

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

VINCENT THOMAS,
Petitioner,

v.

JEROME W. WALSH,
Superintendent, et al.,
Respondents.

CIVIL ACTION

NO. 13-4759

FILED

DEC 30 2013

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

O R D E R

AND NOW, this 11th day of December, 2013, upon careful and independent consideration of the petition for a writ of habeas corpus and available state court records, and after review of the Report and Recommendation of United States Magistrate Judge David R. Strawbridge, it is ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The petition for a writ of habeas corpus is DISMISSED WITHOUT PREJUDICE;
3. A certificate of appealability SHALL NOT issue, in that the Petitioner has not demonstrated that reasonable jurists would debate the correctness of the procedural aspects of this ruling. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); and
4. The Clerk of the Court shall mark this case CLOSED for statistical purposes.

BY THE COURT:

JEFFREY L. SCHMEHL,

J.